

Notice of Allowability

Application No.

10/644,541

Examiner

Christopher Verdier

Applicant(s)

KALISKI, ARTHUR

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Amendment dated 2-1-05.
2. ☒ The allowed claim(s) is/are 1 and 3-6.
3. ☒ The drawings filed on 8-20-03, 9-25-03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Specification:

The Amendments dated February 1, 2005 to the Specification and Abstract have not been entered.

On page 2, line 1, "Title of the Invention" has been deleted.

On page 3, line 9, "ultra violet" has been changed to -- ultra-violet --.

On page 3, line 9, "disinfections" has been changed to -- disinfection --.

On page 5, line 2, "wind mills" has been changed to -- windmills --.

On page 5, line 5, "refereed" has been changed to -- referred --.

On page 5, line 9, "turbines" has been changed to -- turbine --.

On page 5, line 19, "s-shaped" has been changed to -- S-shaped --.

On page 7, line 8, "close" has been changed to -- closed --.

On page 9, line 1, "Objections" has been changed to -- Objects --.

On page 9, last line, "nose" has been changed to -- noise --.

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On page 13, line 16, "s-shaped" has been changed to -- S-shaped --.

On page 13, line 20, "s-shape" has been changed to -- S-shape --.

On page 14, line 12, "s-shape" has been changed to -- S-shaped --.

On page 15, line 4, "breaking" has been changed to -- braking --.

On page 15, line 4, "break" has been changed to -- brake --.

On page 15, line 5, "break" has been changed to -- brake --.

On page 16, line 10, "s-shape" has been changed to -- S-shape --.

On page 16, line 18, "s-shape" has been changed to -- S-shape --.

On page 17, line 5, "s-shaped" has been changed to -- S-shaped --.

On page 17, line 7, "rotors' " has been changed to -- rotor's --.

On page 17, line 12, "rotors" has been changed to -- rotor's --.

On page 18, line 2, "rotors' " has been changed to -- rotor's --.

On page 20, line 9, "wind mill" has been changed to -- windmill --.

On page 24, line 5, "s-shaped" has been changed to -- S-shaped --.

On page 24, line 7, "s-shaped" has been changed to -- S-shaped --.

On page 24, line 9, "cups" has been changed to -- cup --.

On page 24, line 9, "breaking" has been changed to -- braking --.

The Amendments dated February 1, 2005 to the Specification and Abstract have not been entered because they do not comply with 37 C.F.R. 1.121, in that they do not include sequential paragraph numbering and the full text of the paragraphs to be replaced. The amendments to the

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specification have been made by the examiner in order to incorporate Applicant's intended amendment into the specification.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The instant application is directed towards an unobvious improvement over the combination of U.S. Patent 4,718,822 and 4,004,861. The combination of U.S. Patent 4,718,822 and U.S. Patent 4,004,861 shows a self-regulating rotor substantially as claimed as set forth in the previous Office action, including cups 48 having cup shafts 12 attached to the rotor. The improvement comprises a clutch system attached to the rotor, with the clutch system comprising pulleys connected to the cup shafts, with the clutch system using the rotational energy of the rotating rotor to close the rotor cups into the closed position. In U.S. Patent 4,718,822, springs 66 use the rotational energy of the rotating rotor when it is slowing down to close the cups into a closed shape. It would not be obvious to a person having ordinary skill in the art to substitute pulleys connected to the cup shafts, because this would destroy the operability of the rotor blade closing arrangement. Additionally, Applicant's argument filed February 1, 2005 (see page 22, paragraph 2) that U.S. Patent 4,718,822 does not disclose a clutch system attached to the rotor, with the clutch system comprising pulleys connected to the cup shafts, with the clutch system using the rotational energy of the rotating rotor to close the rotor cups into the closed position is persuasive.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.V.
February 17, 2005


Christopher Verdier
Primary Examiner
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